

**PLAINTIFF'S MOTION
EXHIBIT 38**

Form OMH 474 (9-84)

SCHOOLCRAFT, ADRIAN
M/R: 1298984
DOB: 08/21/1975 34Y M PT#: 130381874
ADM: 11/03/2009 15:00 F/C: 19 S
HOVANESIAN, SHUSHAN 03MH9HAL 01

EMERGENCY ADMISSION
Section 9.39 Mental Hygiene Law

Doc. of Birth
Facility Name
Unit/Room No.

I. General Provisions for Emergency Admission

A In order for a person to be admitted to a hospital according to Section 9.39 of the Mental Hygiene Law, all the following requirements must be met:

- 1 The hospital must be approved by the Commissioner of Mental Health to receive and retain patients according to this Section;
- 2 The person must be alleged to have a mental illness for which immediate observation, care, and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or herself or others. "Likelihood to result in serious harm" means:
 - a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself ("other conduct" shall include the person's refusal or inability to meet his or her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization), or
 - a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.
- 3 A staff physician of the admitting hospital must examine the person and find that the person meets the standard for admission under this Section. The physician then completes this Form, OMH 474, Emergency Admissions.

B A person who is alleged or appears to be mentally ill may be taken into custody, transported, or removed to a hospital approved to accept emergency admissions, according to the following sections of the Mental Hygiene Law:

- Section 9.41 - Powers of Certain Peace Officers and Police Officers, Form OMH 474A/476A, I
- Section 9.43 - Powers of Courts - Form OMH 465, Civil Order for Removal to Hospital
- Section 9.45 - Powers of Directors of Community Services, Form OMH 474A/476A, II
- Section 9.55 - Powers of Qualified Psychiatrists, Form OMH 474A/476A, III
- Section 9.57 - Powers of Emergency Room Physicians, Form OMH 474A/476A, IV

C On admission, the person will be given a written notice of status and rights as a patient admitted according to MHF, Section 9.39. This notice will also be given to the Mental Hygiene Legal Service and up to three other persons designated by the person admitted.

If a person admitted according to this Section is to be retained in the hospital for more than 48 hours, another physician, who is a member of the psychiatric staff of the hospital, must examine the person and confirm the admitting physician's findings by completing page 2 of this form (OMH 474).

Within 15 days of admission, if it is determined that the person is not in need of involuntary care and treatment, s/he shall be discharged unless s/he is surtable and agrees to remain as a voluntary patient. If the person is in need of continued inpatient care and treatment, and is not surtable or will not agree to remain as a voluntary patient, s/he may be retained beyond 15 days only by completion of an application and two medical examinations as required for admission according to MHL Section 9.27 - Involuntary Admission on Medical Certification.

II. Record of Admission

A The above-named person was brought to this hospital by Frankel per Med Ev

Time/Date No. (as appropriate) Address Phone

Relationship to Person Address of Person Time of Arrival at Hospital

11/03/09 23:03 ☐ AM ☒ PM

E Circumstances which led to the person being brought to this hospital (If applicable) Person was taken into custody, transported, or removed to this hospital in accordance with MHL Section _____

patient is a danger to himself -
current is psychotic & paranoid. will
benefit from inpatient stabilization

C I HAVE EXAMINED THE ABOVE-NAMED PERSON PRIOR TO ADMISSION AND FIND THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PERSON HAS A MENTAL ILLNESS FOR WHICH IMMEDIATE OBSERVATION, CARE AND TREATMENT IN A MENTAL HOSPITAL IS APPROPRIATE AND WHICH IS LIKELY TO RESULT IN SERIOUS HARM TO HIMSELF OR HIMSELF OR OTHERS

Physician's Signature Wm O'Connell 11/03/09 1:20 ☐ AM ☒ PM

EXHIBIT

171

10/31/14 1/284

Form CMH 424 (3-09) page 2

SCHOOLCRAFT, ADRIAN

PT#: 130381874

EMERGENCY ADMISSION
Section 3.20 Mental Hygiene Law

M/R: 1298984

DOB: 06/21/1975 34Y M

F/C: 19 S

ADM: 11/03/2009 15:00 03MH9HAL 01
HOSPITAL CLINICIANState of New York
Office of Mental Health

III. Examination to Confirm Need for Extension of En

A. Pertinent and Significant Factors in Patient's Medical and Psychiatric History:

34 y.o. male without past y history
presented to ER with "persecuted"
delusion and admitted for further
evaluation

B. Physical Condition (including any special test reports):

Stable

C. Mental Condition: The conduct of the patient (including statements made to me by others) has been:

Pt very nervous, forthcoming
afraid that his supervisor
or the police department
wanted to "get rid of him"

D. The patient shows the following psychiatric signs and symptoms:

Anxiety and persecuted
quality delusionsE. Does the patient show a tendency to cause serious harm to himself? ☐ Yes ☒ No to others? ☐ Yes ☒ No

If yes, explain

F. Mental diagnosis (if determined):

Psychosis NOS
R/o Adjustment disorder

IV. Psychiatrist's Confirmation

I have personally observed and examined

Schoolcraft Adrian

on

MONTH

DAY

YEAR

HOUR

MINUTE

I AM
OPM

Based on such examination and the case history, I hereby confirm that there is reasonable cause to believe that the patient has a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or herself or others. The facts stated and information contained herein are true to the best of my knowledge and belief.

I am on the psychiatric staff of

Jamaica

Hospital

(Signature)

Form OHS 1005 SR (3-97)

New York
Mental Health**NOTICE OF STATUS AND RIGHTS
EMERGENCY ADMISSION**(to be given to the patient at the time of
admission to the hospital)

Section 9.39 Mental Hygiene Law

SCHOOLCRAFT, ADRIAN
 M/R: 1298984
 DOB: 06/21/1975 34Y M
 ADM: 11/03/2009 15:00 03MH9HAL 01
 HOVANESIAN, SHUSHAN
 PT#: 130381874
 FIC: 19 S
 Date of Birth _____

Facility Name _____

TO: SCHOOLCRAFT, ADRIANDate of Arrival
at Hospital:

Mo Day Yr

Based upon an examination by a staff physician, you have been admitted as an emergency-status patient to this hospital for persons with mental illness for immediate observation, care and treatment. Within 48 hours of the time of your admission, you will be examined by another physician, who is a member of the psychiatric staff of this hospital. If he or she confirms the first physician's findings, you may then be kept in the hospital for a period of up to 15 days from the date of your arrival. During this 15 day period you may be released, converted to involuntary status, or asked to remain as a voluntary or informal patient.

You, and anyone acting on your behalf, should feel free to ask hospital staff about your condition, your status and rights under the Mental Hygiene Law, and the rules and regulations of this hospital.

If you, or those acting on your behalf, believe that you do not need immediate observation, care and treatment, you or they may make a written request for a court hearing. Copies of such a request will be forwarded by the hospital director to the appropriate court and the Mental Hygiene Legal Service.

MENTAL HYGIENE LEGAL SERVICE

The Mental Hygiene Legal Service, a court agency independent of this hospital, can provide you and your family with protective legal services, advice and assistance, including representation, with regard to your hospitalization. You are entitled to be informed of your rights regarding hospitalization and treatment, and have a right to a court hearing, to be represented by a lawyer, and to seek independent medical opinion.

You, or someone acting on your behalf, may see or communicate with a representative of the Mental Hygiene Legal Service by telephoning or writing directly to the office of the Service or by requesting hospital staff to make such arrangements for you.

The Mental Hygiene Legal Service representative for this hospital may be reached at:

**MENTAL HEALTH LEGAL SERVICES
 CREEDMOOR PSYCHIATRIC CENTER
 80-45 WINCHESTER BOULEVARD
 QUEENS VILLAGE, NY 11247
 TELEPHONE NUMBER (718) 264-3342**

THE ABOVE PATIENT HAS BEEN GIVEN A COPY OF THIS NOTICE.

Signature of Staff Physician

COPIES TO: Persons designated by patient to be informed of admission. (If None, type in "NONE")

A copy of this Notice of Status and Rights is also being sent to the Mental Hygiene Legal Service.
 State and Federal Laws prohibit discrimination based on race, color, creed, national origin, age, sex, or disability.